

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

-----X	:	
CONAN PROPERTIES INTERNATIONAL	:	
LLC and ROBERT E HOWARD	:	
PROPERTIES INC.,	:	Civil Action No. 17-cv-00162 (FB) (RLM)
	:	
Plaintiffs,	:	
	:	<b><u>DECLARATION OF JEFFREY</u></b>
-against-	:	<b><u>SHANKS</u></b>
	:	
RICARDO JOVÉ SANCHEZ,	:	
	:	
Defendant.	:	
-----X	:	

I, Jeffrey Shanks, declare as follows:

1. I currently reside in Tallahassee, Florida and am a citizen of the United States of America. I attended Florida State University. My most recent degree was a Master of Arts in Classical Archeology, which I received in 2004.
2. I am an archaeologist, historian, and scholar of pulp magazines and early comic books. I serve as co-chair of the Pulp Studies area for the Popular Culture Association.
3. I served as the technical advisor and art director for the recently released role-playing game *Robert E. Howard's Conan: Adventures In An Age Undreamed Of* by Modiphius Games.
4. I am an advisor and consultant for several other major projects involving or relating to the character *Conan* aka *Conan the Barbarian* (“**Conan**”).
5. I am particularly interested in the author Robert E. Howard (“**Howard**”) about whom I have published articles in a number of periodicals including *REH: Two-Gun Raconteur*, *The Dark Man: The Journal of Robert E. Howard Studies*, and *Foreign Comic Collector Magazine*.

6. I have also written or co-written chapters on Howard for several academic volumes, including *Conan Meets the Academy*, *Critical Insights: Pulp Fiction of the 1920s and 30s*, and *Undead in the West II* (with Mark Finn). I have won the Robert E. Howard Foundation Award on six different occasions, from 2012 to 2017 for my scholarship on Howard. I have also been nominated for the Bram Stoker Award for Non-Fiction from the Horror Writers Association for editing a collection of academic essays on *Weird Tales*, the magazine which first published Howard's *Conan* stories. This volume, *The Unique Legacy of Weird Tales: The Evolution of Modern Fantasy and Horror*, also included a chapter I wrote on Howard.

7. I was a panelist at the 2016 San Diego Comicon where I discussed the 50<sup>th</sup> anniversary of Frank Frazetta's ("Frazetta") 1966 painting of his first *Conan* cover for Lancer Books' initial paperback edition of *Conan*. I have also been invited to give presentations and be an expert panelist on Howard and *Conan* at numerous academic conferences and fan conventions, including the Popular Culture Association National Conference, the International Conference for the Fantastic in the Arts, The World Science Fiction Convention, and the World Fantasy Convention.

8. I believe that I am recognized by the community of *Conan* and Howard scholars and fans worldwide as an expert on both *Conan* and Howard, and I consider myself to be such an expert.

9. I am not an employee of Conan Properties International LLC ("CPI"), Robert E. Howard Properties Inc. ("REHP"), or of any affiliate thereof.

10. Please see my CV, a true and correct copy of which is attached hereto as Exhibit A for information about publications authored by me or in which I have been involved during the preceding 10 years.

11. I am very familiar with the characters of *Conan*, *Bran Mak Morn*, *Dark Agnes*, and *Ironhand*, and their distinctive characteristics and personality traits.

## CONAN

12. Howard's barbarian protagonist *Conan the Cimmerian*, appeared in twenty-one stories written between 1932 and 1935, eighteen of which were published in the pulp magazine *Weird Tales*. As with many early series characters in the pulp magazines such as *Doc Savage* and *The Shadow*, Howard gave *Conan* several distinctive characteristics that created consistency in the barbarian's appearance and served as visual cues for the regular readers of *Weird Tales* that this was a recurring character.

13. The square-cut black hair, clean-shaven, loin-cloth wearing *Conan* was not a typical look for a barbarian in popular culture prior to or contemporaneous with Howard's career. I am an expert in early 20<sup>th</sup> century popular culture and I have never seen an example of a barbarian character with a combination of these attributes outside of Howard's stories. These characteristics are unique to *Conan* and any later barbarian character that exhibits these attributes is almost certainly wholly or partially derivative of Howard's *Conan*.

14. *Conan* was always described as large and muscular, but also lithe with his movements, often compared to that of a large predatory cat. His skin was bronzed from the sun and covered in scars. He wore several different outfits and armor depending on the setting of the story, but the most common attire he wore was simply a loin cloth, sometimes with sword belt or girdle. He used various weapons but was most often armed with some type of sword.

15. His most distinctive characteristics by far are his hair and eyes. Howard invariably described *Conan* as having a "square-cut black mane," that is, straight black hair with bangs that framed the face – a very unusual hairstyle for a barbarian (true and correct copies illustrations of *Conan* as depicted in *Weird Tales* are attached hereto as Exhibit B). He was described as clean-

shaven, another unusual description for a barbarian character, as most of them are bearded. He also had piercing blue eyes that were described as "volcanic" and "smoldering."

16. There are various quotes from the seminal Howard stories originally published in *Weird Tales*, the copyrights to which I am informed and believe are owned by CPI, that emphasize the physical distinctiveness of the *Conan* character, including:

- a. "He wore no ring or ornaments, and his square-cut black mane was confined merely by a cloth-of-silver band about his head." – *The Phoenix on the Sword* (volume 20 number 6 – registration number B175731; renewal number R250145)
- b. "In his dark, scarred face there was a suggestion of moodiness; and without being marked by depravity, or definitely evil, there was more than a suggestion of the sinister about his features, set off by his smoldering blue eyes. A low broad forehead was topped by a square-cut tousled mane as black as a raven's wing." – *Black Colossus* (volume 21 number 6 – registration number B211038; renewal number R269994)
- c. "He stood like a bronze image in the sand, apparently impervious to the murderous sun, though his only garment was a silk loincloth, girdled by a wide gold-buckled belt from which hung a saber and a broad-bladed poniard. On his clean-cut limbs were evidences of scarcely healed wounds." – *The Slithering Shadow* (volume 22 number 3 – registration number B211041; renewal number R269997)
- d. "The Cimmerian growled wordlessly, glaring truculently at the surrounding waste, with outthrust jaw, and blue eyes smoldering savagely from under his black tousled mane . . ." – *The Slithering Shadow* (volume 22 number 3 – registration number B211041; renewal number R269997)

- e. “Water ran in rivulets from his great shoulders and down his heavy arms. His single garment--a pair of bright crimson silk breeks--was soaking wet, as was his broad gold-buckled girdle and the sheathed sword it supported. As he stood at the rail, the rising sun etched him like a great bronze statue. He ran his fingers through his streaming black mane, and his blue eyes lit as they rested on the girl.” – *The Pool of the Black One* (volume 22 number 4 – registration number B211042; renewal number R269998)
- f. “Even in the dim light of the dungeon, with his limbs loaded with chains, the primitive power of the man was evident. . . Under his tangled black mane his blue eyes blazed with unquenchable savagery.” – *Rogues in the House* (volume 23 number 1 – registration number B246430; renewal number R270001)

17. The striking contrast between the dark hair and blue eyes gave *Conan* an unusual exotic look. Most fictional barbarians before or contemporaneous with Howard's stories had blonde or red hair and were usually bearded, such as H. Rider Haggard's *Eric Brighteyes* (1890) (a true and correct copy of the cover of the book *Eric Brighteyes* is attached hereto as Exhibit C), Jack London's *Ragnar Lodbrog* (1910) or Fritz Leiber's *Fafhrd* (1939) (a true and correct copy of the cover of *Swords and Deviltry* showing *Fafhrd* is attached hereto as Exhibit D), and none had a square cut hairstyle. Before *Conan*, this was more associated with medieval nobility than with barbarians, for example, *Prince Valiant* created by Hal Foster in 1937 (a true and correct copy of a *Prince Valiant* comic is attached hereto as Exhibit E). A search of pulp magazine images of barbarians from the period confirms this (true and correct copies of pulp magazine covers featuring barbarians are attached as Exhibit F). Howard first used the square-cut hairstyle to describe an earlier character, *King Kull*. However, it was with *Conan* that the square-cut hairstyle, combined with the piercing blue eyes became a fully-realized character attribute.

18. This look was reinforced when the stories were reprinted in the 1960s in paperback form with cover paintings by the cover artist Frazetta, whose series of paintings captured the following elements of the character from Howard's stories: square-cut black hair, blue eyes, shaven face with scars, loincloth, sword girdle, and muscular build (true and correct copies of images of *Conan* illustrated by Frank Frazetta are attached hereto as Exhibit G).

19. In the 1970s, artists at Marvel Comics like John Buscema and Neal Adams, following Frazetta's lead, emphasized these same characteristics from Howard's descriptions of the character (a true and correct copy of an image of *Conan* illustrated by Neal Adams is attached hereto as Exhibit H). This was intentional on Marvel's part as it wanted *Conan* to have a consistent look and a "uniform" for branding and merchandising purposes, like their other superhero characters. Marvel recognized that *Conan*'s square-cut black hair, blue eyes, sword, and loin cloth were the visual elements from Howard's description that most uniquely defined *Conan* and differentiated him from other barbarian and warrior-like characters.

20. *Conan*, as Howard wrote him, is very complex character – far more so than a cursory glance might suggest.

21. *Conan*, as he appears in Howard's stories, is a barbarian who leaves his homeland as a youth and adventures in the civilized kingdoms of the fictional Hyborian Age. He has stints as a thief, mercenary, pirate, bandit chief, general, and eventually a king. Since Howard's *Conan* stories skipped around and showed various periods of *Conan*'s life, the reader gets a view of *Conan* in all these roles very early in the series. After the first half dozen published *Conan* stories, the primary attributes and characteristics of *Conan* were well established.

22. Writing during the depression in the early 1930s, Howard created a character that embodied many of the ideals of the common man at that time. *Conan* came from humble roots to rise to the

top as a self-made man. He had little respect for the laws and institutions of civilization, seeing them as corrupt and as an impediment to personal liberty. He had his own moral code that governed his actions, often championing the weak or underclasses against the wealthy and powerful. *Conan* is not a stereotypical "dumb" barbarian. He is clever, intelligent, charismatic and a natural leader.

23. Narratively, *Conan* functions almost like a force of nature. His appearance or presence disrupts the civilized status quo and he is able to take advantage of, and thrive in, the ensuing chaos due to his innate barbarism. He is a monkey wrench in the cogs of civilization.

24. When Howard was writing, "barbarism" was seen as a stage of cultural evolution between "savagery" on the one hand, and "civilization" on the other. Howard saw barbarism as the state of equilibrium between these two extremes. *Conan*, as a barbarian, is therefore a liminal figure that can negotiate both these worlds successfully, rising above the animalistic tendencies of savagery, but remaining vital enough to avoid the corrupting decadence of civilization.

25. Philosophically, *Conan* is something like a proto-existentialist, seeing life as something to be enjoyed and lived to fullest in the present with little or no thought to the future, and certainly no expectation of an afterlife or divine intervention.

- a. "He had squatted for hours in the courtyard of the philosophers, listening to the arguments of theologians and teachers, and come away in a haze of bewilderment, sure of only one thing, and that, that they were all touched in the head. His gods were simple and understandable; Crom was their chief, and he lived on a great mountain, whence he sent forth dooms and death. It was useless to call on Crom, because he was a gloomy, savage god, and he hated weaklings. But he gave a man courage at birth, and the will and might to kill his enemies, which, in the Cimmerian's mind, was all any god should be expected to do." – *The Tower of the Elephant* (one of the seven seminal *Conan*

works originally published in *Weird Tales* volume 21 number 3 – registration number B211035; renewal number R269991)

26. In the over five hundred *Conan* books, movies, comic books, video games, and television episodes depicting *Conan* subsequent to Howard, these same traits of *Conan* have been replicated, enhanced, and expanded.

27. Various renowned artists and illustrators such as Wally Wood, Norm Saunders, Kelly Freas, and Roy Krenkel each attempted to capture *Conan* in illustrations before Frazetta was enlisted to paint *Conan* for Lancer Books. Frazetta used the costume from previous depictions of the *Conan* character, most clearly Wally Wood's *The Return of Conan* (1957) version (a true and correct copy of which is attached hereto as Exhibit I). Mr. Wood created for the character, among other things, the fur loincloth, ornate belt, dagger crossed in the front, and studded bracelet. In my opinion, Frazetta's work was derivative of Wood's work, the *Conan* books by Howard, and Roy Krenkel's artwork.

28. Frank Frazetta was specifically commissioned by Lancer Books to paint "The Barbarian" as an illustration of the *Conan* character. Frazetta's *Conan* look is consistent in the images he painted for subsequent Lancer books (true and correct copies of several of which are attached hereto as Exhibit J). Those paintings, all of which are subsequent to "The Barbarian," portray *Conan* engaged in combat with enemies described in Howard's original *Conan* stories. For example, Howard's writings and Frazetta's paintings both consistently depict and portray *Conan* in the throes of battle with giants, the snake in the dungeon (*The Scarlet Citadel*), and the man-ape in the red cape (*Rogues in the House*).



### **BRAN MAK MORN**

29. *Bran Mak Morn* (“**Bran**”) is one of the first recurring characters developed by Howard. He appears in three stories, a play, and a poem, and is mentioned in two stories that take place after his death. *Bran* is a king of the Picts during the Roman Empire, and his story revolves around his struggle against the encroaching Romans in Britain.

30. *Bran* is short and compact with a dark complexion and hair, and nearly black eyes. His hair is straight and coarse. He wears an iconic iron crown adorned with an ancient jewel that dates back to antediluvian times, before Atlantis. These physical attributes are illustrated in the artwork by Jayem Wilcox for the story *Worms of the Earth* by Howard (a true and correct copy of the artwork is attached hereto as Exhibit K), the artwork by Raphael Kayanan from *Alter Ego* magazine (a true and correct copy of which is attached hereto as Exhibit L), and the artwork by Gary Gianni for the Wandering Star/Del Ray edition of *Bran Mak Morn* (a true and correct copy of which is attached hereto as Exhibit M).

31. There are various quotes from Robert E. Howard stories, the copyrights to which I am informed and believe are owned by REHP, that emphasize the physical distinctiveness of the *Bran Mak Morn* character, including:

- a. “He was dark, but he did not resemble the Latins around him. There was about him none of the warm, almost Oriental sensuality of the Mediterranean which colored their features. The blond barbarians behind Sulla's chair were less unlike the man in facial outline than were the Romans. Not his were the full curving red lips, nor the rich waving locks suggestive of the Greek. Nor was his dark complexion the rich olive of the south; rather it was the bleak darkness of the north. The whole aspect of the man vaguely suggested the shadowed mists, the gloom, the cold and the icy winds of the naked

northern lands. Even his black eyes were savagely cold, like black fires burning through fathoms of ice.” – *Worms of the Earth* (originally published in *Weird Tales* volume 20 number 5 – registration number B175730; renewal number R250144)

- b. “His height was only medium but there was something about him which transcended mere physical bulk—a certain fierce innate vitality, comparable only to that of a wolf or a panther. In every line of his supple, compact body, as well as in his coarse straight hair and thin lips, this was evident—in the hawk-like set of the head on the corded neck, in the broad square shoulders, in the deep chest, the lean loins, the narrow feet. Built with the savage economy of a panther, he was an image of dynamic potentialities, pent in with iron self-control.” – *Worms of the Earth* (originally published in *Weird Tales* volume 20 number 5 – registration number B175730; renewal number R250144)
- c. “By what strange freak of fate had such a man risen among this race of savages, survivors of a darker, grimmer age? Surely he was an atavism, an original type of the days when the Picts ruled all Europe, before their primitive empire fell before the bronze swords of the Gauls.” – *Kings of the Night* (originally published in *Weird Tales* volume 16 number 5 – registration number B98539; renewal number R208385)

32. *Bran* is depicted as something of a tragic figure. It is clear his cause is ultimately doomed, yet despite his fatalistic outlook he fights with his people and is willing to go to almost any length in his effort to defeat the Romans. This “end justifies the means” approach leads him to risk his own life, sanity, and even soul, in exchange for supernatural aid. He has a deep-seated hatred for the Romans, which seethes beneath his stoic demeanor. His drive for revenge against them for the atrocities committed against his people is one of the primary driving forces of his character.

33. The character *Bran* cannot be divorced from his people, the Picts, and their story. Howard's fictionalized version of the real Picts of history was a recurring theme throughout his fantasy and horror works. In the *Bran* story *Men of the Shadows*, the Picts are given a vast, epoch-spanning history going back into prehistoric times. In Howard's fictional universe they were the first race of mankind. They were prominent in his *Kull of Atlantis* stories set 100,000 years ago. In fact, it is stated in *Kings of the Night* that the Pict warrior *Brule*, a friend and companion of *Kull*, was a distant ancestor of *Bran*'s. The Picts appear in a number of other Howard stories, including the *Conan* stories, set during various time periods.

34. By the time of *Bran* during the Roman Empire, ca. AD 200, the Picts are in decline, have mixed with other ethnic groups and are near extinction. *Bran*, however, is depicted as a throwback to the great Pictish warriors of the past. The royal line has stayed purely Pictish over the millennia; so much so that *Bran* is said to resemble very closely his ancient ancestor *Brule*. He is the living embodiment of the ancient Picts of *Kull*'s time and a reminder of their lost greatness. After *Bran*'s death, a cult develops around him and a black carved statue said to depict him. The handful of remaining Picts carry on in secret, and the underground *Bran* cult lasts into modern times. One aspect of the cult is that the worshippers believe *Bran* will come back to help them in a time of need – this makes him something of an Arthurian figure narratively.

- a. “Kull gave to Brule the jewel which you now wear in your iron crown, oh king, after a strange battle in a dim land, and down the long ages it has come to us, ever a sign of the Mak Morn, a symbol of former greatness. When at last the sea rose and swallowed Valusia, Atlantis and Lemuria, only the Picts survived and they were scattered and few. Yet they began again the slow climb upward, and though many of the arts of civilization were lost in the great flood, yet they progressed. The art of metalworking was lost, so

they excelled in the working of flint. And they ruled all the new lands flung up by the sea and now called Europe, until down from the north came younger tribes who had scarce risen from the ape when Valusia reigned in her glory, and who, dwelling in the icy lands about the Pole, knew naught of the lost splendor of the Seven Empires and little of the flood that had swept away half a world.” – *Kings of the Night* (originally published in *Weird Tales* volume 16 number 5 – registration number B98539; renewal number R208385)

### **DARK AGNES**

35. *Dark Agnes* (“**Agnes**”) is a female protagonist in three stories written by Howard in the early 1930s that were first published in the early 1970s, the copyrights to which I am informed, and believe, are owned by REHP. The stories take place in late medieval France in the 1520s. *Agnes* is a lowborn girl forced to marry against her will by her father. She kills her future husband on her wedding day and runs away to become a mercenary and adventurer. She has a natural aptitude for the sword and was further trained by a mercenary captain.

36. *Agnes* is tall and fair-skinned with red hair and blue eyes. Her hair is square cut in the medieval male style, with bangs. She wears male clothing and armor, including breeches or trunk hose, with high boots. She sometimes wears a padded jacket (baldric) and morion style helmet. She is always armed with a hilted sword and occasionally matchlock pistols. These physical characteristics are illustrated in the artwork by Aaron McConnell from CPI licensee Dark Horse's anthology graphic novel *Savage Sword of Robert E. Howard* (true and correct copies of the artwork are attached hereto as Exhibit N), the artwork pinup in the back of *Savage Sword of Conan* at CPI's licensee Marvel by Rafael Kayanan (a true and correct copy of the artwork is attached hereto as Exhibit O), and the artwork by Ken Kelly on the cover of the 1979 Berkley paperback edition of

*Sword Woman* licensed by REH's heir and CPI's predecessor (a true and correct copy of the artwork is attached hereto as Exhibit P).

37. There are various quotes from Howard stories that emphasize the physical distinctiveness of the *Dark Agnes* character, including:

- a. "I rounded a bend in the road, and there she stood, straight and tall against the green wood in her torn wedding gown, with her blue eyes smoldering, and the rising sun glinting red in her hair and turning to a streak of blood the dagger in her hand!" – *Sword Woman* (originally published in *REH: Lone Star Fictioneer* #2 magazine by The Nemedian Chronicles in 1975 under license from REH's heir and REHP's predecessor)
- b. "I bestrode a mettlesome destrier and was clad as became a comrade of de Clisson. Velvet doublet and silk trunk-hose I wore, with long Spanish boots; beneath my doublet pliant steel mail guarded my body, and a polished morion perched on my red locks. Pistols were in my girdle, and a sword hung from a richly worked baldric. Over all was flung a cloak of crimson silk." – *Sword Woman, supra*.
- c. "By God!" he cried, with a wild laugh. "It is the red-haired swordwench!" – *Blades for France* (originally published in *Blades for France* (chapbook) by George Hamilton in 1975 and owned by REHP – registration number A744122)
- d. "By Saint Andrew, now that I see you in the light, I admire you the more. You are a fine, tall woman, but even in morion, doublet, trunk-hose and boots none could mistake you for a man. Well are you called Dark Agnes. For all your red hair and fair skin there is something strange and dark about you." – *Mistress of Death* (originally published in *Witchcraft & Sorcery* magazine by Fantasy Publishing Co. in 1971 and owned by REHP – registration number B634970)

38. *Agnes* has a fiery temper and dark demeanor, which is the source of her nickname. She is quick to respond with violence to any perceived threat or slight. Above all else she values her freedom in a society that offers little freedom to women. She therefore chooses to adopt the appearance and manners normally seen as masculine and wants to be accepted by her male comrades on an equal footing.

### **IRONHAND**

39. *Ironhand*, also known as *Esau Cairn*, is the protagonist in Howard's novel *Almuric*, which was written around 1934 and published in *Weird Tales* in serial form in 1939. *Almuric* was Howard's attempt at writing in the science fiction sub-genre known as "planetary romance" or, more colloquially, "sword and planet" fiction. This type of fiction usually features an Earthman who is transported to another planet and has adventures there that are similar to those found in traditional fantasy fiction with the alien planet replacing the typical pre-industrial fantasy setting. Futuristic or alien technology often takes the place of magic in the narrative, though pre-industrial technology is also used. Thus, you can have a mix of swords and ray guns. This mix of high and low technology with a narrative structure that more closely follows traditional fantasy fiction is what sets planetary romance apart from "hard" science fiction. The genre was popularized by Edgar Rice Burroughs with his *John Carter of Mars* series, and later by Alex Raymond with his *Flash Gordon* comic strip. (*Star Wars* can be seen as a modern take on this type of fiction – a fantasy story in a science fiction setting.) Howard, however, created a character in *Ironhand* that was very different than *John Carter* or *Flash Gordon* – a character that explored a number of anthropological and evolutionary themes in which Howard was interested.

40. *Ironhand* is a physical throwback to an early human, with the physical strength and features of a stereotypical "cave man." Once on the planet *Almuric*, *Ironhand* made use of the clothing and

weapons of the alien ape-men known as Guras. The former was a simple loincloth with a sword belt, and the latter consisted of swords, daggers, and a primitive firearm that shoots a projectile. He is solidly muscled, and his hands are large and powerful, befitting his nickname *Ironhand*. His fists are frequently compared to iron mallets or something similar and Howard made sure to emphasize his ability to knock out or even kill a man with one blow. Life on Almuric toughened him even more than he already was.

- a. “Since survival was dependent on toughening, I toughened. My skin, burnt brown by the sun and hardened by the elements, became more impervious to both heat and cold than I had deemed possible. Muscles I had not known I possessed became evident. Such strength and suppleness became mine as Earthmen have not known for ages.” – *Almuric* (originally published in three installments in *Weird Tales* volume 33 number 5, volume 34 number 1, and volume 34 number 2 in 1939 – registration numbers B417022, B417023, and B425230; renewal numbers R398455, R398456, and R398458 (now owned by REHP))
- b. “All over my body the great muscles coiled and knotted; sweat broke out on my skin, and then with a shattering crash the stone gave way, the iron ring was torn out bodily, and I was catapulted on my back onto the floor, at the feet of my captors . . .” – *Almuric, supra*.
- c. “Ears split, noses crumpled and teeth splintered under the crushing impact of my iron-hard fists . . .” – *Almuric, supra*.
- d. “I clenched my fist and regarded it moodily--a knotted iron mallet of a fist.” – *Almuric, supra*.

41. *Ironhand* is what would have been called an “atavist” in the early 20th century – an evolutionary throwback. In a fluke of nature, he was born with the physical body and mental properties of an earlier form of man. He is essentially a “caveman” born in modern times.

- a. “Many men are born outside their century; Esau Cairn was born outside his epoch. Neither a moron nor a low-class primitive, possessing a mind well above the average, he was, nevertheless, distinctly out of place in the modern age.” – *Almuric, supra*.
- b. “He was of a restless mold, impatient of restraint and resentful of authority. Not by any means a bully, he at the same time refused to countenance what he considered to be the slightest infringement on his rights. He was primitive in his passions, with a gusty temper and a courage inferior to none on this planet. His life was a series of repressions. Even in athletic contests he was forced to hold himself in, lest he injure his opponents. Esau Cairn was, in short, a freak--a man whose physical body and mental bent leaned back to the primordial.” – *Almuric, supra*.

42. *Ironhand* is a misfit on earth. He has nearly superhuman strength, as well as a fierce temper, that he can barely control. He attempts physical sports like football and boxing but has to stop because he keeps injuring his opponents. He eventually becomes the muscle for a mob boss, but in a fit of rage he kills the boss with one blow and has to flee. While on the run he meets a scientist who has invented a device that allows teleportation across the galaxy. *Ironhand* uses the device to transport himself to another planet called Almuric.

43. Almuric is a savage, primitive world, but one in which *Ironhand* fits in well. He encounters a race of ape-men warriors known as the Guras who are similar to early hominins on earth. While *Ironhand* is an evolutionary throwback to an earlier form of man on earth, on Almuric he is just the opposite: a more advanced form of human than the natives. For once he is finally in an



environment where his unusual nature and his preternatural strength and primal fierceness allow him to thrive. After fighting with the Guras, defeating several in hand-to-hand combat, and proving his strength, they make him one of their tribe and give him the name *Ironhand*.

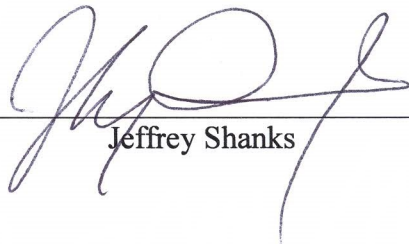
- a. “I answered their bellows with one strident yell of blood-thirsty gratification, and heaving up through the melee, began swinging my heavy fists like caulking mallets.”  
– *Almuric, supra*.
- b. “Then with his own hands he buckled on me the harness of a warrior—the broad leather belt with the iron buckle, supporting my poniard and a long straight sword with a broad silver guard. Then the warriors filed past me, and each chief placed his palm against mine, and spoke his name, and I repeated it, and he repeated the name they had given me: Ironhand” – *Almuric, supra*.

44. *Ironhand* has a number of adventures on *Almuric*, including a conflict with a race of winged humans known as the Yagas. His incredible strength, primal vitality, and physical toughness allow him to survive on this harsh, primitive, alien world.

45. *Ironhand* was a unique creation of Howard’s – a fictional example of an evolutionary atavism, combined with Howard’s own interest in boxing. He was a modern-day caveman with a knockout punch, placed in a fantastic setting that allowed Howard to play around with these kinds of anthropological ideas that he was fascinated by.

46. *Ironhand* has been delineated in several stories since Howard, see for example the *Almuric* paperback book published by Berkley Publishing Corporation (late 1970s) with cover art by Ken Kelly, (a true and correct copy of the cover is attached hereto as Exhibit Q) and the *Almuric* comic adaptation by Tim Conrad originally published by Marvel in *Epic Illustrated*, later reprinted by Dark Horse (true and correct copies of which are attached hereto as Exhibit R).

I declare, under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct. Executed this 25th day of July 2018, in Tallahassee, Florida.



Jeffrey Shanks